

C.222
17th August, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Second Supplement

to the

Synopsis

of Trial Reports

(Doc. C.204)

Since the circulation of the first supplement (Doc. C.208) to the Synopsis of Trial Reports (Doc. C.204), the reports summarised in this paper have been received by the United Nations War Crimes Commission from the National Offices up to 17th August 1946.

II. British Cases.(x)

✓ 94) Trial of Colonel Stefano Orofalo, Italian Army.

Date & Place of Trial: Military Court at Afragola, 20th - 21st May 1946.

Charge: Committing a War Crime in that he at Bari, on or about 16th July 1942, in violation of the laws and usages of war, was concerned in the killing of a British prisoner of war.

Verdict: Not Guilty.

✓ 95) Trial of Iginio Bascioni, Olindo Verdecchia and Luigi Mura.

Date & Place of Trial: Military Court at Ancona, 24-27 April 1946.

Charge: Committing a war crime in that they near Grottazzolina on 3rd May 1944, in violation of the laws and usages of war, were concerned in the killing of two escaped British prisoners of war.

Verdict: All three found guilty.

Sentences: Bascioni to imprisonment for 3 years.

Verdecchia to " " 3 "

Mura " " 1 year.

Findings and sentences confirmed.

96) Trial of Max Frindt, Peter Hafner and Christian Pfalzer.

Date & Place of Trial: Military Court held at Milan on 4-6 April 1946.

Charge: Committing a war crime in that they at Bressanone, Italy, on or about 1 Oct. 1944 in violation of the laws and usages of war were concerned in the killing of three unknown British soldiers.

Verdict: Pfalzer and Hafner, Not Guilty.

Frindt, Guilty.

Sentence: Imprisonment for 15 years.

Findings of the court were confirmed on 25th June 1946 by the Supreme Allied Commander but 12 years imprisonment were remitted from the sentence awarded by the Court.

(x) This list of British trials is a continuation of the list contained on pages 1 - 5 and page 15 of Doc. C.208. The numbers of the two trials summarised on page 15 of Doc. C.208 (Nos. 93 and 94) should be corrected to 92 and 93 respectively.

97) Trial of Salvatore Paracuello, Giuseppe Basile, Italian nationals.

Date & Place of Trial: Military Court at Afragola, 14 - 19
March 1946.

Charge: Committing a war crime in that they at or near Volturare on or about April 1942, in violation of the laws and usages of war, were concerned in the killing of a member of the New Zealand Expeditionary force, and with wounding two others, escaped Prisoners of War.

Verdict: Both guilty.

Sentences: Paracuello, imprisonment for 20 years.

Basile, " 15 years.

Findings of the court were confirmed on 23rd May 1946, but 10 years of the sentence passed on Paracuello, and 7 years of the sentence passed on Basile, were remitted.

98) Trial of Arturo Vanozzi, Guglielmo Massi and Fausto Poloni, It.Nats.

Date & Place of Trial: Military Court at Ancona, on 8-9 May 1946.

Charge: Committing a war crime in that they at Ascoli Piceno, Italy, on or about Feb. 44, in violation of the laws and usages of war, were concerned in the killing of a British prisoner of war.

Verdict: Vanozzi and Massi, guilty.

Poloni, Not Guilty.

Sentences: Both sentenced to imprisonment for life.

Findings confirmed on 7th June, but both sentences commuted to imprisonment for 12 years.

99) Trial of Francesco Gatti, of the Italian Army.

Date & Place of Trial: Military Court held at Afragola on 8 - 10 May 46,

Charge: Committing a war crime in that he, between April 1943 and Aug. 1943 in violation of the laws and usages of war, was concerned in the illtreatment of a British naval lieutenant, and other British prisoners of war at Padula, Italy, and on a journey by train from Padula to Bologna, Italy.

Verdict: Guilty; he did not illtreat Lt. Piper at Padula, nor other prisoners of war on the journey by train from Padula to Bologna, but he did illtreat Lt. Piper on the train journey from Padula to Bologna

Sentence: Imprisonment for 6 months.

Findings and sentence confirmed on June 5th.

100-J) Trial of Major General Itsuki Toshio, Lt. Commander Ogura Keiji and 14 others of the Imperial Japanese Army & Navy.

Date & Place of Trial: Singapore, 11th - 26th March, 1946.

Charge:(1) Committing a war crime, in that they at Car Nicobar, between 1 July 45 and 31 Aug 45, in violation of the laws and usages of war, being part of a Japanese force at that time in occupation of Car Nicobar, were concerned in the torture and other ill-treatment of civilian residents of Car Nicobar, in consequence whereof six of the civilians died.

(2) (Against Major General Itsuki Toshio and one other only) Committing a war crime, in that they at Car Nicobar on 28 July 45, in violation of the laws and usages of war, were concerned together in the unjust trial and judgment of civilian residents of Car Nicobar, as a result of which 49 of the civilians were condemned to death and executed.

- (3) (Against Maj. Gen. Itsuki Toshio and one other only)
Committing a war crime, in that they at Car Nicobar on 6 Aug 45, in violation of the laws and usages of war, were concerned together in the unjust trial and judgment of civilian residents of Car Nicobar, as a result of which 22 of the civilians were condemned to death and executed.
- (4) (Against Maj. Gen. Itsuki Toshio and one other only)
Committing a war crime, in that they at Car Nicobar on 12 Aug 45, in violation of the laws and usages of war, were concerned together in the unjust trial and judgment of civilian residents of Car Nicobar, as a result of which 12 of the civilians were condemned to death and executed.

Verdict: 1st Charge: All guilty with the exception of two.

2nd Charge, }
3rd Charge, } All Guilty.
4th Charge,

Sentences: Death by shooting, 1
Death by hanging, 5
Imprisonment for 15 years, 1
" " 12 " 2
" " 10 " 5
" " 3 " 1

15

Sentence for the remaining one accused not stated.

101-J) Trial of Cpl. Tsuruoka Shiroo of the Imp. Jap. Forces.

Date & Place of Trial: Singapore, 18th and 20th April, 1946.

Charge: (1) Committing a war crime, in that he, on or about 28 July 1945 at Toylerabad in or near Port Blair, in violation of the laws and usages of war, being in the service of the occupying Power, acted towards and was concerned in the beating, torture and maltreatment of Abdul Razaq, a civilian resident of Port Blair.

(2) Committing a war crime, in that he, on or about 1 July 1945, at Toylerabad in or near Port Blair, in violation of the laws and usages of war, being in the service of the occupying Power, acted towards and was concerned in the beating, torture and maltreatment of Ram Sarup, a civilian resident of Port Blair.

Verdict: Each charge, Guilty.

Sentence: Imprisonment for 18 months.

102) Trial of Karl Maria von Behren,

Date & Place of Trial: Military Court, Hamburg, on 28th-31st May, 46.

Charge: Committing a war crime in that she, in Norway on or about 20 Nov. 42, in violation of the laws and usages of war, was concerned in the killing of fourteen unidentified British Prisoners of war.

Verdict: Not Guilty.

103) Trial of Georg Tyrolt and 9 others.

Date & Place of Trial: Military Court, Helmstedt, Germany, from 20th May - 24th June 1946.

Charge: Committing a war crime in that they at Wolfsburg and Ruehen, Germany, between the months of April 1943 and April 1945, in violation of the laws and usages of war, were concerned in killing by wilful neglect a number of children of PURL <https://www.legal-tools.org/doc/dd852f/nationals>.

Verdict: Guilty, 3 (one with the exception of the words "Wolfsburg and"),
Not guilty, 7.

Sentences: Imprisonment for five years, 1.
Death by hanging, 2.

104) Trial of General Victor Alexander Friedrich Willy Seeger and 5 others.

Date & Place of Trial: 17th June - 11th July, 1946 before a Military Court at Wuppertal, Germany.

Charge: Committing a war crime in that they in France, and in particular in the Vosges, in or about the months of September and October 1944, in violation of the laws and usages of war, were concerned in the killing of a number of allied airborne troops and personnel of air crews, all members of the allied armed forces and prisoners of war.

Verdict: Guilty, 5.
Not Guilty, 1.

Sentences: Death by hanging, 3.
Imprisonment for 10 years, 1.
" " 3 " 1.

III. Canadian Trials.

2) Trial of Wilhelm Jung and Johann Georg Schumacher.

Date & Place of Trial: 15 - 25 March 1946 at Aurich, Germany before a Canadian Military Court.

Charge: Committing a war crime in that they at the village of Oberweier, Kreis Rastatt, Germany, on or about the 29th July 1944, in violation of the laws and usages of war, were concerned in the killing of a member of the Royal Canadian Air Force, a Prisoner of War.

Verdict: Both Guilty.

Sentences: Death by shooting, . . . Confirmed on April 11th.

3) Trial of Johann Neitz.

Date & Place of Trial: 15-25 March 1946, at Aurich, Germany, before a Canadian Military Court.

Charge:(1) Committing a war crime in that he, in or near Wilhelmshaven, Germany, on or about the 16th day of October 1944, in violation of the laws and usages of war, did fire, with intent to kill, two shots from a firearm, into the body of a member of the Royal Canadian Air Force, a prisoner of war.

(2) (alternative to the first charge).

Committing a war crime in that he, in or near Wilhelmshaven, Germany, on or about the 16th day of October 1944, in violation of the laws and usages of war, wounded the same member of the Royal Canadian Air Force, a prisoner of war, by firing two shots from a firearm into his person.

Verdict: Guilty.

Sentence: Imprisonment for life, confirmed on April 8th.

4) Trial of Robert Hölder, Walter Weigel and Wilhelm Ossenbach.

Date & Place of Trial: 25th March - 6th April 1946 at Aurich, Germany, before a Canadian Military Court.

Charge: Committing a war crime in that they near the town of Opladen, Germany, during the month of March 1945, in violation of the laws and usages of war were concerned in the killing of an unknown member of the Royal Canadian Air Force, a prisoner of war.

Verdict: All three guilty.
Sentences: Hölzer and Weiger, death by shooting. Ossenbach, imprisonment for 15 years. Sentences confirmed on May 2nd.

IV. United States Trials.

48) Trial of Hans Altfeldisch, and 60 others (Mauthausen Concentration Camp Case).

Date & Place of Trial: 29th March - 11th May 1946, at Dachau, Germany, before a Military Government Court.

Charge: The accused were charged with aiding, abetting or participating in a common design to subject the nationals of the countries of Europe and of the United States of America, to killings, tortures, indignities and other brutalities, in violation of the laws and usages of war.

Verdict: All the accused found guilty.
Sentences: Death by hanging, 58.
Imprisonment for life, 3.

49) Trial of Heinz Andergassen, August Schiffer and Albert Storz.

Date & Place of Trial: 9 - 15th January 1946, before a Military Commission at Naples.

Charge: Violation of the law of war,

- (1) In that they did on or about 20 Feb. 45, kill summarily, an officer of the Army of the United States, who had been recently captured and was a prisoner of war, by causing him to be hanged by the neck until dead.
- (2) In that they did on or about 19 March 1945, kill summarily an officer and an N.C.O. of the British Army, and an officer of the Army of the United States, who had then recently been captured and were prisoners of war, by causing them to be shot to death with a gun.
- (3) In that they did on or about 27 March 1945 kill summarily two officers and a N.C.O. of the Army of the United States who had then recently been captured and were prisoners of war, by causing each of them to be shot to death with a gun.

Verdict: All the accused found guilty.
Sentences: All three to suffer death by hanging.
Findings and sentences confirmed on June 6th.

IV(a) United States Trials. (Western Pacific)

50) 27 Trial of General Tomoyuki YAMASHITA, General of the Imp. Jap Army.

Date & Place of Trial: 1st October - 7th December 1945, before a Military Commission at Manila, P.I.

Charge: That he violated the laws of war in that, between 9 October 1944 and 2 September 1945, at Manila and at other places in the Philippine Islands, while commander of armed forces of Japan at war with the United States of America and its allies, he unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against people of the United States and of its allies and dependencies, particularly the Philippines.

Verdict: Guilty.
Sentence: Death by hanging. Petitions for habeus corpus and prohibition, made by Yamashita to the Supreme Court of the Philippines, were unsuccessful. So also were his application to the Supreme Court of the United States for leave to file a petition for writs of habeus corpus and prohibition, and his petition thereto for certiori to review the order of the Supreme Court of the Philippines.

VIII. French Cases.

48) Trial of Charles Braun.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 4th May 1946.
Charge: Theft of property of a French civilian and deliberate violence committed against Polish civilians in France.
Verdict: Guilty, but with extenuating circumstances.
Sentence: Imprisonment for 2 years.

49) Trial of Adolf Schlosser.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 4th May 1946.
Charge: Pillage committed in France.
Verdict: Guilty but with extenuating circumstances.
Sentence: Imprisonment for four years.

50) Trial of Karl Rotter, and (Unterfeldwebel) Brill.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered on 6th May 1946.
Charge: Arson committed in France.
Verdict: Not Guilty.

51) 2nd Trial of Erwin Bahl.

Date & Place of Trial: Military Tribunal at Bordeaux, judgment delivered on 7th May 1946.
Charge: Premeditated Murder committed in France.
Verdict: Guilty.
Sentence: Death.

52) 2nd Trial of Adolf Jopp, and Wilhelm Mampe,

Date & Place of Trial: Military Tribunal at Bordeaux; judgment delivered on 7th May 1946.
Charge: As to Jopp, premeditated murder committed in France.
As to Mampe, complicity in this premeditated murder.
Verdict: Guilty.
Sentence: Death.

55) Trial of Johann Karl Langenbahn.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered on 13th May 1946.
Charge: Attempt against the external safety of the State (by deporting French citizens), and pillage committed in France.
Verdict: Guilty, but with extenuating circumstances.
Sentence: Penal servitude for life.

54) Trial against Jean-Pierre Lex.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.
Charge: Attempt against the external safety of the State (by denouncing French citizens to the German authorities), and pillage committed in France.
Verdict: Guilty, but with extenuating circumstances.
Sentence: Confinement for 5 years.

55) Trial of Johann Schiel.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.
Charge: Deliberate violence committed against French citizens.
Verdict: Guilty, but with extenuating circumstances.
Sentence: Imprisonment for 8 months.

56) Trial of Georges Wander.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.
Charge: Pillage committed against a French citizen.
Verdict: Guilty but with extenuating circumstances.
Sentence: Imprisonment for 3 years.

57) 3rd Trial of Fritz Milke and Willy Tzschorpp.

Date & Place of Trial: Military Tribunal at Bordeaux; judgment delivered 14th May 1946.
Charge: As to Milke, premeditated murder committed in France; as to Tzschorpp, attempted premeditated murder in France.
Verdict: Guilty.
Sentences: Death.

58) Trial of Richard Raith.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 18th May 1946.
Charge: Complicity in murder and deliberate violence, committed against Russian and Italian prisoners in France.
Verdict: Guilty, but with extenuating circumstances.
Sentence: Penal servitude for 10 years.

UNITED NATIONS WAR CRIMES COMMISSION.

Please note that Document C.238 is to be destroyed and the present document, C.255 is to be treated as the Fourth Supplement to the Synopsis of Trial Reports.